SENATE BILL 473 REPORT: COLLECTING SEXUAL ORIENTATION INFORMATION AND PREFERRED NAME AT OREGON'S COMMUNITY COLLEGES

A report to the Oregon Legislature
May 2016

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EXECUTIVE SUMMARY

Senate Bill 473 (2015) Section 4(1) requires the Higher Education Coordinating Commission (HECC) to convene a work group of representatives from community colleges to: 1) determine the best method for community colleges to administer the collection of sexual orientation identification data which students, faculty and staff provide voluntarily, and 2) determine the best method for community colleges to implement policies permitting enrolled students to use a preferred name on certain college documents, and 3) identify potential barriers to carrying out these practices.

This report is prepared in response to SB 473 Section 4(2) and puts forth the conclusions reached by the HECC regarding the most cost effective and least burdensome manner for community colleges to allow the use of a preferred first name and to collect data regarding sexual orientation.

A work group consisting of representatives from the Oregon Student Association (OSA), the Oregon Community College Association (OCCA), and representatives from various community colleges was convened to discuss the requirements of SB 473 and identify the obstacles to its implementation at community colleges.

The community colleges acknowledge the need for data regarding sexual orientation in an effort to better serve vulnerable or underrepresented students and staff. In addition, the work group recognized that the ability to allow the use of a preferred first name can send a positive message to LGBTQIA+ students, particularly transgender students, and can be beneficial for all students and staff for a variety of reasons. The work group thoughtfully considered the requirements of the bill and acknowledged the efforts of the university work group, also formed pursuant to SB 473, and how their conclusions might apply to the objectives of the community college work group. This form of collaboration, albeit indirectly, saved the community college group significant time and contributed to potential consistency across all community colleges and public universities in Oregon.

The university group, and subsequently the community college group, agreed that the question on sexual orientation and preferred name should be tied to the student or employee record. Also, both groups supported the requirement to include a gender/gender identity question in addition to a sexual orientation question. Both groups also acknowledged that students and employees should be asked to provide their legal sex designation because the federal reporting requirements (IPEDS) are currently limited to male or female. Finally, the community college group agreed with the university group on the list of answers that should be offered for sexual orientation and gender/gender identity questions.

In terms of the best method for collecting sexual orientation data and allowing the use of a preferred name, the work group had some recommendations. For example, instituting a two-phased approach to the implementation of this data collection would allow for the initial collection on admissions and employment applications followed by more complex upgrades to existing systems for current students and employees. Although this was identified as the best method, the obstacles identified may necessitate a more interim solution such as an anonymous survey. In response to SB 473 Section 4(3), the work group provided insight into some of these obstacles. The two main barriers were the differences in student information systems (SIS) among all the institutions and the costs associated with the necessary upgrades to implement the recommendations for use of preferred first name and collection of sexual orientation data.

Unlike Oregon's universities, the 17 community colleges do not all utilize the same SIS or Human Resources platform. The most common one used is Banner, but others are used as well. In addition, even among Banner users, there is great variety in the version and customization that each institution has implemented. This creates issues in establishing a uniform process which can be replicated across all institutions in an effort to save time and money. A fiscal analysis survey conducted by HECC staff illustrates that the total estimated costs to upgrade the computer systems for at least some of the colleges approaches nearly $80,000 and will have on-going expenditures for every patch or upgrade beyond the first one. Other obstacles identified include a need for training and education for students and staff; the need to prioritize this requirement among all other campus-wide initiatives; the differences between student systems and HR systems which may require separate upgrade procedures; and finally concerns about how the data would be used.

Despite these obstacles, the work group offered some suggestions for implementation which, though not ideal, would result in an effective start to obtaining the data requested by SB 473.

- Community colleges could collaborate with local universities utilizing the same version of Banner to implement the changes at both institutions.

- Colleges could coordinate with the HECC to draft a letter to the software vendors for Banner and Jenzabar which are used at 12 of the community colleges, requesting that these modifications be made directly to the software. This would save time and money for the colleges.

- Rogue Community College supports the software used at five colleges and reports that the necessary modifications to the Roguenet software would be relatively easy to implement and could contribute to a good start to collecting this data.

- An anonymous survey to collect sexual orientation data could be conducted at low cost and with relative ease.

After reviewing these recommendations and evaluating the complexities of the barriers identified by the group, HECC staff are able to put forth a recommendation pursuant to SB 473 Section 4(2) for the most cost-effective and least burdensome method available to the community colleges to facilitate the collection of sexual orientation data and allowing the use of a preferred name among students and employees.

HECC staff recommend a multi-phased approach to implementing SB 473 which would begin with a request that manufacturers update their software to accommodate the sexual orientation data collection and preferred name questions. This would allow 12 of the colleges to implement SB 473 with relative ease and much lower costs. HECC acknowledges that this option may take some time and that the alternative would be for the institutions to make the changes in-house individually. HECC staff are cognizant that these changes will be costly and time-consuming for most community colleges.

In an effort to allow time for institutions to make the changes or negotiate the changes with vendors, HECC staff offer an interim solution. An anonymous survey could be distributed to all potential and current students and employees. This could be created and administered relatively quickly and easily and at much lower cost than programming all the necessary modifications to the associated software. The data would be in the aggregate rather than unit-record level, and therefore not ideal for traditional data analysis, but would meet the requirements of the law and would provide some data which is currently nonexistent.

SENATE BILL 473 OVERVIEW AND BACKGROUND

Senate Bill 473 (2015) Section 4(1) requires the HECC to convene a work group of representatives from community colleges to: 1) determine the best method for community colleges to administer the collection of sexual orientation identification data that students, faculty and staff provide voluntarily, and 2) determine the best method for community colleges to implement policies permitting enrolled students to use a preferred name on certain college documents, and 3) identify potential barriers to carrying out these practices. The HECC is directed to submit a report with its conclusions regarding the most cost effective and least burdensome manner that community colleges have available for implementing SB 473.

By reporting sexual orientation data to the HECC on an annual basis, institutions as well as the Commission will be able to monitor the changes in student and employee populations over time and therefore be better prepared to respond to increasing needs for resources. However, SB 473 does not mandate this data collection/reporting nor the use of a preferred name at the community college level as it does for universities. This is purposeful and acknowledges the challenges faced by some community colleges to make the changes proposed in SB 473. Instead, with regards to community colleges, SB 473 seeks to gain insight into what the institutions would need in order to overcome any challenges to implementing these activities as well as guidance on the most cost effective and least burdensome methods for doing so.

In order to address these issues, HECC convened a work group that included representatives from the Oregon Student Association (OSA), the Oregon Community College Association (OCCA), and representatives from various community colleges. A list of work group members is included in Appendix A.

The work group met in Salem on January 26, 2016 and again on April 4, 2016. The first work group meeting focused on discussing the need for the questions around sexual orientation, how best to ask the questions, any legal concerns the colleges might have, and finally the system modifications necessary to accommodate the questions and protect the privacy of the data. A survey regarding the estimated costs in time or money for system changes and upgrades was sent to all the colleges. The second work group meeting focused on: 1) reviewing the recommendations of the SB 473 university work group, 2) identifying changes needed to accommodate a preferred name, and 3) identification of obstacles, including cost and timing, to making the changes necessary to add the sexual orientation and preferred name questions.

The work group was able to benefit from utilizing many of the recommendations offered by the university work group regarding the timing and placement of data collection as well as the list of accepted answers to the sexual orientation and gender identity questions. This allowed the community college work group to focus on discussing how the changes could be made. Although in answer to Section 4(3) of the bill, the group did identify barriers to implementation of SB 473, which will be discussed in greater detail later in this report, they were also able to offer some solutions.

One recommendation to ease the burden of implementation, and the one HECC staff subscribe to as the most cost effective and least burdensome, is to request that the vendors of the two software packages used at 12 of the colleges proactively update the systems to accommodate the data. A less effective yet easier alternative is to conduct anonymous surveys of students and staff regarding the sexual orientation questions. This would be much more cost effective since it would not require reprogramming of the software. This could also serve as a way to obtain the data while efforts are made to negotiate with the software vendors to make the changes directly or if that is not possible, to allow time for the colleges to make the changes in-house. The disadvantage

to this option is that the data would be in the aggregate and not subject to traditional data analysis. But could prove to be an effective way to begin this data collection until better solutions to offset the barriers are identified.

This report draws upon information provided during the work group meetings, analysis of survey results, and conversations with the work group members.

This report is prepared in response to SB 473 Section 4(2) and addresses four specific requests for information from the legislation:

1. The best method community colleges can use to voluntarily collect information regarding the sexual orientation of students, faculty, and staff.

2. The best method community colleges can use to allow students to use a preferred name on some college forms.

3. The potential barriers community colleges may experience in their efforts to implement the bill.

4. The Commission's conclusion regarding the most cost effective and least burdensome manner in which the community colleges may implement the provisions of SB 473.

METHOD OF COLLECTING SEXUAL ORIENTATION DATA

The first question that this report addresses is regarding the best method for collecting sexual orientation data among students, faculty, and staff at the community colleges. The work group had a discussion similar to the university work group regarding exactly what data should be collected, whether this data should be collected at initial application or at registration, and if it should be connected to the employee or student record. The group also recommends that a sexual orientation question must be accompanied by a gender identity and legal sex designation question for reporting purposes.

The work group concurs with the university work group that implementing the changes necessary to implement SB 473 in two phases is appropriate. The first phase for collection would begin with adjusting initial employment and admissions applications to capture data immediately regardless of whether the applicant actually becomes a student or employee; and also to send a positive message about recognition and inclusion on their campuses. The second phase would focus on making changes to the current SIS and human resources computer systems to allow current employees and students to be able to access the sexual orientation questions or make changes as they wish. If the vendor is able to update the software, then these two phases could happen simultaneously. The work group further agreed that this data should ideally be tied to the student/employee record to allow for better data analysis and accessibility to the student or employee.

The group agreed to defer to the recommendations of the university group on the collection categories. The following are the questions and answer choices for both the sexual orientation and gender/gender identity that were developed in the university work group and accepted by the community college group.

Question #1: Answers to a sexual orientation question must include but are not limited to the following:
       (a) Asexual
       (b) Bisexual
       (c) Gay
       (d) Heterosexual/Straight
       (e) Lesbian
       (f) Pansexual
       (g) Queer
       (h) Questioning/Unsure
       (i) Same-Gender Loving
       (j) Identity or Identities not listed _____ (Please specify.)
       (k) Prefer not to answer

Question #2: Answers to a gender and gender identity question must include but are not limited to the following:
       (a) Agender
       (b) Genderqueer
       (c) Man
       (d) Non-binary, including gender fluid, gender nonconforming, etc.
       (e) Transgender
       (f) Trans man
       (g) Trans woman
       (h) Woman
       (i) Questioning or unsure
       (j) Identity or identities not listed _____ (Please specify.)
       (k) Prefer not to answer

Question #3: The answers to a legal sex designation question shall align with the current federal reporting requirements, specifically IPEDS.

The work group determined that a two-phased implementation approach using the standardized questions above, with the data tied to the employee or student record is the best method for collecting sexual orientation data for all employees and students. However, the barriers discussed in the Identification of Barriers to Data Collection section of this report will need to be addressed in order to successfully implement this best method of data collection.

METHOD FOR ALLOWING PREFERRED NAME

The second piece of information requested in SB 473 Section 4(2) is the best method available to the community colleges to allow students, faculty, and staff to use a preferred name in place of their legal name on certain college forms and documents.

As with the sexual orientation question, this work group supported this option for students and staff. The group recognized the positive message it sends and acknowledged the fact that this option would serve not just LGBTQIA+ students and staff, but all students and staff including international students, victims of domestic violence, and professionals who have their own reasons for choosing to be known by a name other than their legal name. They further propose adding the option of using a preferred pronoun as well, similar to the recommendations of the university group.

Similarly, the best method identified for allowing the use of a preferred name was to add the field to initial employment and admissions applications and request that the software manufacturers incorporate the option into existing computer systems so that current students and employees can have access to add or delete a preferred name as they wish.

However, allowing the use of a preferred name necessitates computer system changes so that the correct name appears where appropriate. This could not be accomplished by a survey as with sexual orientation. Should the manufacturers be unable to include this option in a software upgrade, the only alternative is for the institutions to make the changes in-house. While possible, this option may prove more complicated at the college level than at the university level. Estimates for the modifications to allow for a tie-in from the student or employee record to other downstream applications and systems can include 15 or more changes to systems or pages.

The work group reported that one of the main issues with implementing this, in addition to the costs associated with making the system upgrades, is simply a lack of knowledge of every form, page, or system that may need to be updated. Furthermore, these changes would need to be made again and again with every new patch or upgrade of the software. Therefore, the costs to create the option and store the data for preferred name and sexual orientation will be ongoing. These costs, along with other barriers are discussed in the Identification of Barriers to Data Collection section of this report.

IDENTIFICATION OF BARRIERS TO DATA COLLECTION

The third piece of information requested from the legislation is to identify any obstacles or barriers that community colleges might face in their implementation of SB 473. The group identified a number of obstacles that could impede institutions' ability to fully implement the law. Costs in time and money, different computer systems, lack of education/training, prioritization, and concern about reporting requirements were all identified as potential obstacles. It appears the main issues revolve around the costs and staffing needs associated with making changes to the current applications, SIS and HR platforms. A survey was sent to all the colleges in an effort to estimate these costs and ascertain whether they could be absorbed by the institution. The results of the survey, summarized in Table 1 below, indicate that the estimated average number of hours needed to make the changes is 131 and many schools report very small Information Services staff.

One exception is Rogue Community College (RCC) who supports five colleges with the software program Roguenet. RCC reports that they can make modifications in-house relatively easily even with a small staff. However, the other institutions use Banner or Jenzabar which can be modified but not necessarily easily. In addition, it is important to note that these costs are not simply a one-time fee for making upgrades. Each software patch, change, or upgrade will require the changes to be made again at additional cost each time. Furthermore, the colleges reported that the figures listed in Table 1 represent the costs of using current staff to make the necessary changes. Should that not be possible, institutions would need to contract services outside the agency which are generally compensated at a rate of $200/hr. per HECC's Office of Research and Data. Therefore, for example, although Chemeketa indicates that the system changes would cost approximately $21,840 if done in-house, that cost could exceed $54,600 if Chemeketa were required to enter into a contract with a private company.

Table 1: Costs Associated with Modifying Current Computer Systems

Institution	Current System, version	Estimated # hours to make changes	# of Staff	Est. cost In-house	Est. cost Contract ($200/hr)
Blue Mountain CC	Roguenet 2.0 supported by Rogue CC	0	0.5	0	$0
Central Oregon CC	Banner	no data	- -	- -	- -
Chemeketa CC	Banner v. 8	273	13	$21,840	$54,600
Clackamas CC	Ellucian Colleague	TBD	3-8	TBD	- -
Clatsop CC	Roguenet 2.0 supported by Rogue CC	0		0	$0
Columbia Gorge CC	Roguenet 2.0 supported by Rogue CC	0		0	$0
Klamath CC	Jenzabar EX 6.2	264	1	$22,972	$52,800
Lane CC	Banner	no data	- -	- -	- -
Linn-Benton	Banner v. 8	200+	5	$6,000	$40,000
Mt. Hood CC	Banner	no data	- -	- -	- -
Oregon Coast CC	Roguenet 2.0 supported by Rogue CC	0	0	0	$0
Portland CC	Banner v. 8.8	120+	8	$13,200	$24,000
Rogue CC	Roguenet 2.0	1	11.5	$400	$200
Southwestern CC	Jenzabar	no data	- -	- -	- -
Tillamook Bay CC	Jenzabar	no data	- -	- -	- -
Treasure Valley CC	Jenzabar EX 6	40	1	$7,800	$8,000
Umpqua CC	Banner v. 8	20+	4	$7,000	$4,000
		avg # hrs = 131.14 (min.)		$79,212	$183,600

This survey illustrates that a major barrier to successful implementation of SB 473 at the community college level will be the cost associated with the needed system upgrades. Given the complication of a wide variety of systems and software versions used across the colleges, the ability to cross share upgrades or programming changes, while perhaps more cost effective, may prove problematic. As illustrated above, the cost in dollars is not the only expense. Many institutions have very small IT staff and some may not have programming expertise for their particular software in-house. The necessary amount of hours to update computer systems could top 200 and may be spread across a very small number of staff. This may be considered a more significant impact on an institution's resources than just the monetary value itself.

A need for training and education for staff and students was also identified as a potential barrier for implementation. Students and staff who are unaware of the reasons behind the questions may fear answering them or believe the data may be used for some other purpose. Furthermore, instructors and other staff will need to be educated regarding the purpose for and use of preferred name and pronoun as well as the sexual orientation questions. Another obstacle reported by the work group was the ability to prioritize the collection of sexual orientation data along with all the other institution-wide initiatives that may be competing for the same resources.

Finally, even if software manufacturers include these options in new versions, or if institutions are able to make the modifications in-house to collect the information from students, some institutions may not be able to do the same as easily for employees. Some institutions rely on third party venders for human resource processes and updates would require that third party to update their systems. More research is necessary to determine the full extent of costs and limitations associated with these changes.

CONCLUSIONS AND RECOMMENDATIONS

The final piece of information requested by SB 473 is a conclusion by the HECC regarding the most cost-effective and least burdensome manner in which community colleges can successfully carry out the activities of this bill. After considering the efforts of the work group and the complexities involved with the various computer systems, HECC staff conclude that the best way to minimize costs to the institutions and allow for easier implementation of SB 473 would be for the software manufacturers to incorporate sexual orientation, gender/gender identity, and preferred name options into new versions of the software packages used across community colleges including Banner, Jenzabar and Roguenet.

However, short of this solution, the work group was able to theorize about what else could be done to minimize costs and facilitate easier adoption of the requirements:

1. By adopting a set of standard questions and answers agreed upon by the work group, such as those adopted by the University work group, the colleges can avoid excessive costs and time spent creating the options at each college individually. Furthermore, this facilitates easier reporting of data in an already agreed upon format for all of Oregon's public institutions should that request arise in the future.

2. Colleges and universities who use the same version of the software could collaborate to create and implement the modifications necessary, thereby maximizing resources and contributing to consistent data collection.

3. An anonymous survey could be conducted among all potential and current students and employees in order to collect the data and comply with the requirements of the bill. This would be relatively inexpensive and simple to administer and could provide the requested data quickly while allowing time for institutions and vendors to implement changes to the software.

4. More specific information on what kind of reports the data would be used for would be helpful in the determination of whether or not to tie the data to the student record and how the data should be reported.

The work group acknowledged the importance of the bill as a way to better understand their student and employee populations and use the information to inform decisions on resource allocation and infrastructure development that could help campuses become safer and more welcoming to all students.

APPENDIX A – WORK GROUP MEMBERSHIP

Senate Bill 473 Work Group Members

Organization	Name	Title
Central Oregon Community College	Courtney Whetstine	Director of Admissions and Registrar
Central Oregon Community College	Sally Sorenson	Director of Human Resources
Clackamas Community College	Tara Sprehe	Student Services
Clatsop Community College	Chris Ousley	Student Services
Lane Community College, ASLCC	Seth Joyce	State Affairs Director
Linn-Benton Community College	Jane Sandberg	Librarian
Linn-Benton Community College	Bruce Clemetsen	Student Services
Oregon Community College Association	John Wykoff	Legislative Director
Portland Community College	Laura Massey	Dir. of Institutional Effectiveness
Rogue Community College	Curtis Sommerfeld	CIO, VP of College Services

APPENDIX B – GLOSSARY OF TERMS

Agender[1] - not identifying with any gender, the feeling of having no gender.

Androgyne[1] - A person whose biological sex is not readily apparent. 2. A person who is intermediate between the two traditional genders. 3. A person who rejects gender roles entirely.

Asexual[2] - having a lack of (or low level of) sexual attraction to others and/or a lack of interest or desire for sex or sexual partners.

Bisexual[2] - An umbrella term for people who experience sexual and/or emotional attraction to more than one gender (pansexual, fluid, omnisexual, queer, etc).

Gay[3] - The adjective used to describe people whose enduring physical, romantic and/or emotional attractions are to people of the same sex.

Gender queer or gender fluid[2] - An identity commonly used by people who do not identify or express their gender within the gender binary.

Gender/gender identity[2] - One's internal sense of being male, female, neither of these, both, or other gender(s).

IPEDS – Integrated Post-Secondary Education Data System used by the National Center for Education Statistics to collect and analyze data related to education in the U.S.

Lesbian[3] - A woman whose enduring physical, romantic and/or emotional attraction is to other women.

LGBTQQIAPP+[2] - A collection of identities short for lesbian, gay, bisexual, trans, queer, questioning, intersex, asexual, aromantic, pansexual, polysexual (sometimes abbreviated to LGBT or LGBTQ+).

Pansexual[2] - Capable of being attracted to many/any gender(s).

Queer[2] - A term for people of marginalized gender identities and sexual orientations who are not cisgender and/or heterosexual. This term has a complicated history as a reclaimed slur.

Same-gender loving[4] - A term sometimes used by members of the African-American/Black community to express an alternative sexual orientation without relying on terms and symbols of European descent.

Sex[5] - refers to a person's biological status and is typically categorized as male, female, or intersex.

Sexual orientation[2] - A person's physical, romantic, emotional, aesthetic, and/or other form of attraction to others.

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[1] Genderqueer and Non-Binary Identities & Terminology. Genderqueer Identities. http://genderqueerid.com/gq-terms
[2] LGBTQ+ Definitions. Trans Students Educational Resources. http://www.transstudent.org/definitions
[3] GLAAD Media Reference Guide - Lesbian / Gay / Bisexual Glossary Of Terms. http://www.glaad.org/reference/lgb
[4] LGBTQI Terminology. LGBT Resource Center at UC Riverside ⬜ 2003-2004.
http://www.lgbt.ucla.edu/documents/LGBTTerminology.pdf
[5] Definition of Terms: Sex, Gender, Gender Identity, Sexual Orientation. American Psychological Association.
https://www.apa.org/pi/lgbt/resources/sexuality-definitions.pdf

Straight/Heterosexual[3] - An adjective used to describe people whose enduring physical, romantic and/or emotional attraction is to people of the opposite sex.

Transgender[2] - An umbrella term for people whose gender identity differs from the sex they were assigned at birth. The term transgender is not indicative of gender expression, sexual orientation, hormonal makeup, physical anatomy, or how one is perceived in daily life.

Trans man[2] - Trans man generally describes someone assigned female at birth who identifies as a man.

Trans woman[2] - Trans woman generally describes someone assigned male at birth who identifies as a woman.